



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

ASSAM LEGISLATIVE ASSEMBLY SECRETARIAT

NOTIFICATION

The 16th March, 2023

No.LLE.17/2023/69.- The following Bills were introduced in the House **on 16th March, 2023** along with the Statement of Objects and Reasons are to be published under Rule 71 of the Rules of Procedure and Conduct of Business in Assam Legislative Assembly for General information.

THE INDIAN PARTNERSHIP (ASSAM AMENDMENT) BILL, 2023

A

BILL

further to amend the Indian Partnership Act, 1932.

Preamble

Whereas it is expedient to amend the Indian Partnership Act, 1932, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Central Act
No. IX of
1932

It is hereby enacted in the Seventy-fourth Year of the Republic of India as follows:-

Short title,
extent and
commencement.

1. (1) This Act may be called the Indian Partnership (Assam Amendment) Act, 2023.
- (2) It extends to the whole of the State of Assam.
- (3) It shall come into force at once.

Amendment of
Section 58.

2. In the principal Act, in section 58,
 - (1) for sub-section (3), the following shall be substituted, namely:-

“(3) (i) A firm shall not have any of the names or emblems specified in the Schedule to the Emblems and Names (Prevention of Improper Use) Act, 1950, or any colourable imitation thereof unless permitted so to do under that Act or any name which is likely to be associated by the public with the name of any other firm on account of similarity or any name which, in the opinion of the Registrar for reasons to be recorded in writing, is undesirable.

Central Act
No. XII of
1950

- (ii) A firm’s name shall not contain any of the following words, namely:-

“Union”, “State”, “President”, “Republic”, “Governor” or words expressing or implying sanction, approval or patronage of Government, unless the Government of Assam signifies, by order in writing, its consent to the use of such words as part of the firm’s name.”;

- (2) after sub-section (3), the following new sub-sections (4) and (5) shall be inserted, namely:-

“(4) No firm shall be registered by a name which in the opinion of the Register as undesirable on any of the grounds as mentioned in sub-section (3).

“(5) Any person aggrieved by an order of the Registrar under sub-section (3) and (4) may, within 30 days from the date of communication of such order, appeal to the State Government whose decision thereon shall be final.”

Insertion of
new section
70A

3. In the principal Act, after section 70, the following new section 70A shall be inserted, namely:-

**“Maximum
fees and
power to
amend
Schedule-I**

70A. (1) The fees payable under this Act and the rules made thereunder shall not exceed the maximum fees as specified in Schedule-I.

(2) Subject to the provisions of this section the State Government may, having regard to the expenditure incurred or to be incurred for carrying out the purposes of this Act, from time to time, by notification in the Official Gazette, vary any of the amounts of maximum fees and other particulars specified in Schedule-I, and thereupon, the said Schedule shall be deemed to be amended accordingly.

(3) Every notification issued under sub-section (2) shall take effect from the date of its publication in the Official Gazette, unless some other date is specified therein for this purpose.

(4) Every notification issued by the State Government under sub-section (2) shall be laid, as soon as may be after it is issued, before the State Legislature, while it is in session, for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the House agrees in making any modification in the notification or House agrees that the notification should not be issued, and notify such decision in the Official Gazette, the notification shall, from the date of publication of such decision, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done in pursuance of that notification.”

Amendment of section 71 4. In the principal Act, in section 71, for sub-section (1), the following shall be substituted, namely:-

“(1) Subject to the provisions of section 70A, the State Government may, by notification in the Official Gazette make rules prescribing the fees which shall accompany documents sent to the Registrar or which shall be paid in respect of any intimation, notice or application given to the Registrar or which shall be payable for the inspection of documents in the custody of the Registrar or for copies from the Register of Firms or which shall be paid for supply of any prescribed forms.”.

Insertion of Schedule-I 5. In the principal Act, for the existing Schedule-I, the following shall be substituted, namely:-

**“SCHEDULE-I
MAXIMUM FEES
[See section 70A and 71 (1)]**

Document or Act in respect of which the fee is payable	Maximum fee
Statement under section 58	Two Thousand
Statement under section 60	One Thousand
Intimation under section 61	One Thousand
Intimation under section 62	One Thousand
Notice under section 63	One Thousand
Application under section 64	One Thousand
Inspection of Register of Firms under sub-section (1) of section 66	One Thousand
Inspection of Register of Firms under sub-section (1) of section 66	One Thousand
Copies from the Register of Firms	One Thousand

STATEMENT OF OBJECTS AND REASONS:

1. Number of applications are received from various partnership firms for registration using the name as “Crown”, “Emperor”, “Empress”, “Empire”, “Imperial”, “King”, “Queen”, “Royal”. On account of the socio-political changes which have taken place, in the past decades, in the largest democratic country (India), where equality and justice are the watchwords, words implying otherwise are not in consonance with present Indian mentality. Therefore using the names of these words may be allowed for registration under Indian Partnership Act, 1932.
2. The Indian Partnership Act, 1932 was last amended during 1933, wherein enhancement of any rate was not stipulated, no further amendments have been affected since then. This resulted in stagnation of rates what they were eighty nine years ago i.e., 1932. It is further been observed that Government revenue at the present stage is too meagre commensurate with the recurring expenditure incurred in the matter of registration of numerous firms under Indian Partnership Act, 1932. Accordingly, the proposal for enhancement of rates under different sections by way of amendment of the Act is sought for.
In view of the above, the following amendments in the Indian Partnership (Assam Amendment) Act, 2023 are proposed in the Sub-Section (3) of section 58 and schedule I under sub section (1) of section 71 of Indian Partnership Act, 1932 and introduction of Indian Partnership (Assam Amendment) Act, 2023.
3. Hence, the amendment in the Indian Partnership Act, 1932 and introduction of Indian Partnership (Assam Amendment) Act, 2023 is proposed

SMTI. AJANTA NEOG,
(Minister, Finance)

HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly.

FINANCIAL MEMORANDUM

The Bill proposes to amend the Indian Partnership Act, 1932.

There is no provision in the Bill which would involve the recurring or non-recurring expenditure from the Consolidated Fund of the State on its enactment as an Act of the State Legislature.

SMTI. AJANTA NEOG,
(Minister, Finance)

MEMORANDUM OF DELEGATED LEGISLATION

The Bill involves no proposals for delegation of legislative power to the Government or any authority.

SMTI. AJANTA NEOG,
(Minister, Finance)

Extracts of the existing Provision of the Indian Partnership Act, 1932

Existing Provision	Proposed Provision
<p>Section 58 Application for registration -</p> <p>(1) The registration of a firm may be effected at any time by sending by post or delivering to the Registrar of the area in which any place of business of the firm is situated or proposed to be situated, a statement in the prescribed form and accompanied by the prescribed fee stating,-</p> <p>(a) The firm name,</p> <p>(b) The place or principal place of business of the firm,</p> <p>(c) The names of any other places where the firm carries on business,</p> <p>(d) The date when each partner joined the firm,</p> <p>(e) The names in full and permanent addresses of the partners, and</p> <p>(f) The duration of the firm.</p> <p>The statement shall be signed by all the partners, or by their agents specially authorised in this behalf</p> <p>(2) Each person signing the statement shall also verify it in the manner prescribed.</p> <p>(3) A firm name shall not contain any of the following words, namely – “Crown”, “Emperor”, “Empress”, “Empire”, “Imperial”, “King”, “Queen”, “Royal”, or words expressing or implying the sanction, approval or patronage of 1[Government], except 1[when the State Government] signifies 2[its] consent to the use of such words as part of the firm name by order in writing 3[***]</p>	<p>Section 58 Application for registration -</p> <p>(1) The registration of a firm may be effected at any time by sending by post or delivering to the Registrar of the area in which any place of business of the firm is situated or proposed to be situated, a statement in the prescribed form and accompanied by the prescribed fee stating,-</p> <p>(a) The firm name,</p> <p>(b) The place or principal place of business of the firm,</p> <p>(c) The names of any other places where the firm carries on business,</p> <p>(d) The date when each partner joined the firm,</p> <p>(e) The names in full and permanent addresses of the partners, and</p> <p>(f) The duration of the firm.</p> <p>The statement shall be signed by all the partners, or by their agents specially authorised in this behalf</p> <p>(2) Each person signing the statement shall also verify it in the manner prescribed.</p> <p>(3) Omitted</p>

"SCHEDULE-I" Maximum Fees [See Sub-Section (1) of section 71]		State Amendments Assam. – For Schedule I, substitute the following Schedule, namely:- "SCHEDULE-I" Maximum Fees [See Sub-Section (1) of section 71]	
Documents or act in respect of which the fee is payable	Maximum fee	Documents or act in respect of which the fee is payable	Maximum fee
Statement under Section 58	Five rupees	Statement under Section 58	Two Thousand
Statement under section 60	One rupee	Statement under section 60	One Thousand
Intimation under section 61	One rupee	Intimation under section 61	One Thousand
Intimation under section 62	One rupee	Intimation under section 62	One Thousand
Notice under section 63	One rupee	Notice under section 63	One Thousand
Application under section 64	One rupee	Application under section 64	One Thousand
Inspection of Register of Firms under Sub-Section (1) of Section 66	Eight annas for inspecting one volume of the Register.	Inspection of Register of Firms under Sub-Section (1) of Section 66	One Thousand
Inspection of Register of Firms under Sub-Section (2) of Section 66	Eight annas for inspecting all documents relating to one firm.	Inspection of Register of Firms under Sub-Section (2) of Section 66	One Thousand
Copies from the Register of Firms	Four annas for each hundred words or part thereof.	Copies from the Register of Firms	One Thousand

HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly.